

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

AVRAHAM BABA,

Petitioner,

Case no. 1:22-cv-23867-DPG

v.

AYELET ZAPIN BABA,

Respondent.

_____/

VOLUNTARY RETURN ORDER

This Voluntary Return Order directing return of the minor children to Israel is made pursuant to Article 7 of the 1980 Convention on the Civil Aspects of International Child Abduction (the “Hague Convention”), the International Child Abduction Remedies Act (“ICARA”), 22 U.S.C. 9001 *et seq.*, and the express consent and agreement of all parties, as evidenced by the signatures of the parties and their respective counsel below. It is therefore this 3rd day of January 2023, by the U.S. District Court for the Southern District of Florida, hereby

1. ORDERED that by agreement of the parties, and with the express undertaking of the parties, the Respondent agrees to entry of an agreed return order for the minor children, Y. BABA (born May 16, 2016) and L. BABA (born January 27, 2018) (collectively, the “Children”), to be returned to Israel, the Children’s habitual residence. Petitioner will be arriving in the Southern District of Florida on January 22, 2023 to pick up the children and intends to pick up the children for their return to Israel at 5:00 p.m. The minor children shall return with Petitioner on January 23, 2023 unless otherwise agreed between the parties; and it is further

2. ORDERED that Petitioner SHALL file a notice with the Clerk of Court immediately upon the Children's return to Israel, indicating that Respondent has fully complied with this Order.

3. ORDERED that by agreement of the parties, and with the express undertaking of the parties, the travel documents for the Respondent seized by the U.S. Marshals Service and/or surrendered to the Clerk of Court and currently held in the Court registry, shall be returned to the Respondent or the Respondent's counsel; and it is further

4. ORDERED that by agreement of the parties, and with the express undertaking of the parties, the birth certificate and any other travel documents for the Children, Y.B. (born May 16, 2016) and L.B. (born January 27, 2018), seized by the U.S. Marshals Service and/or surrendered to the Clerk of Court and currently held in the Court registry, shall be returned to the Petitioner, AVRAHAM BABA, or the Petitioner's counsel; and it is further

5. ORDERED that the U.S. Marshals Service is directed to ensure that the Parties comply with this Order and shall accompany the Children, if necessary, to the airport. In the event Respondent does not return the Children to Petitioner as set forth in this Order, Petitioner is ORDERED to file a Motion to Enforce Judgment and Application for Clerk to Issue Writ of Attachment in which Petitioner shall detail how the Children shall be returned. Failure of Respondent to surrender possession of the Children to Petitioner, AVRAHAM BABA, could require the Court to direct the U.S. Marshals Service to take physical custody of the Children and will result in serious sanctions, including but not limited to, contempt of court and incarceration.

6. ORDERED that by agreement of the parties, and with the express undertaking of the parties, upon the return of the Children to Israel, the Petitioner shall file a notice in this Court that the Children have been returned to Israel within 48-hours of returning; and it is further

7. ORDERED that absent leave of this Court, Respondent shall not remove, nor shall she allow anyone else to remove, the Children from the Southern District of Florida pending the Children's return to Petitioner, AVRAHAM BABA.

8. ORDERED that the Court retains jurisdiction over this case to permit any modification or enforcement of this Order.

9. ORDERED that by agreement of the parties, and with the express undertaking of the parties, this action shall be DISMISSED WITH PREJUDICE upon receipt of the Petitioner's notice that the Children have been returned to Israel; and it is further

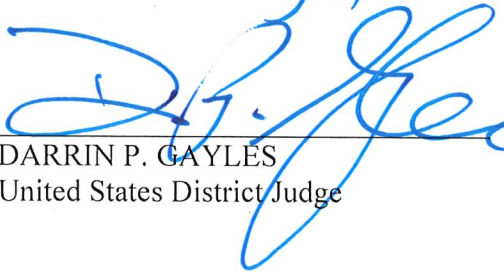
10. ORDERED that by agreement of the parties, and with the express undertaking of the parties, and other than as specifically addressed below, each party shall pay his or her own attorneys' fees, suit money, necessary expenses, and costs associated with this matter, and each party waives any and all claims against the other under the Hague Convention and/or ICARA for necessary expenses and attorneys' fees. Notwithstanding the above, Respondent shall pay to Ronald H. Kauffman, P.A. reimbursement for the court filing fee of \$350 and \$190 translation fee within 10-days of this Order. Moreover, Respondent shall be responsible for paying half of Petitioner's airline tickets for Petitioner's round-trip ticket from Tel Aviv to Miami and for the entire two return tickets for the Children for the return trip from Miami to Israel. Respondent shall either buy the tickets for Petitioner and the Children, or reimburse the Petitioner within 10-days of this Order in the event Respondent no longer has the Children's American Airlines return tickets to Israel, and it is further

11. ORDERED that by agreement of the parties, and with the express undertaking of the parties, pending the issuance in Israel of any future custody or visitation orders, the Respondent shall have at least daily video or telephone contact with the Children. The Respondent shall initiate

the video or telephone contact with the Children. The Petitioner shall not interfere with the child's daily video or telephone contact with the Respondent; and it is further;

12. ORDERED, that this Voluntary Return Order is made under the authority of 22 U.S.C. §9003(a), conferring original jurisdiction upon this Court, and under the authority of Article 7 of the 1980 Hague Convention.

DONE AND ORDERED at Miami, Florida, on January 3, 2023.


DARRIN P. GAYLES
United States District Judge

APPROVED AS TO FORM AND CONTENT

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